

<p style="text-align: center;">SAMPLE PROBATIONARY TERMINATION LETTER</p>

[NOTE: All Footnotes and Brackets below contain supervisory instructions and should not be included in the Final Letter. All Letters affecting Probationary Termination Letters are to be reviewed by an Employee Relations Specialist in the Personnel Office prior to issuance. See instructions in Chapter 2 regarding supervisory-maintained personnel records.]

Memorandum

To: Employee Name, Title

From: Supervisor Name, Title (check local delegations of authority)

Subject: Notice of Termination during Probationary Period

This is a notice of my decision to terminate your employment with the U.S. Fish and Wildlife Service, effective [date]¹, in accordance with 5 CFR 315. This termination during your probationary period is based on the following reason(s):

[Although the strict specificity requirements for conduct and performance actions need not be met (as described in Chapters 3 and 4), the reason(s) for the probationary termination must be sufficiently detailed so that the employee clearly understands why the action is being taken. One or two paragraphs should normally be adequate. The reason(s) should be nonarbitrary, and non discriminatory. Reference should be made, as appropriate, to counseling and instruction received, regulations violated, impact of the deficiencies or misconduct, etc. See attachment for sample paragraphs.]

If you allege that this action was based in whole or in part on your marital status or political affiliation, you have the right to appeal this action to the Merit Systems Protection Board (MSPB) under 5 CFR 315. Otherwise, this action is not appealable to the MSPB.

If you file, your appeal should be filed with the Regional Director, Merit Systems Protection Board (MSPB),[location]. Your appeal must be received by the office of the MSPB no later than thirty (30) calendar days after the effective date of this action. Personal delivery during normal business hours, delivery by regular mail, by facsimile, or delivery by commercial overnight delivery service is required by the Board. A copy of the Board's regulations and Appeal Form is attached. Petitions of appeal may be in any format including letter form, but must contain the information specified on the Appeal Form.

¹ A probationary termination must be effective no later than the DAY BEFORE THE PROBATIONARY PERIOD IS OVER. If an employee began his/her appointment on December 1, his/her probationary period would be over on November 30. In this example, the probationary termination should be effective no later than November 29.

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An allegation that the action taken against you was based in whole or in part on discrimination because of race, color, religion, sex, age, national origin, physical or mental handicap, sexual orientation, status as a parent or protected genetic information may be taken up with the Service under the provisions of Part 1614 of the Equal Employment Opportunity Commission Regulations provided such allegation is brought to the attention of an EEO Counselor within forty-five (45) calendar days of the effective date of this action. Information about the Equal Employment Opportunity (EEO) complaint procedure may be obtained from your EEO Counselor.

You may not appeal an allegation of discrimination because of race, color, religion, sex, age, national origin, or physical or mental disability to the MSPB unless you also allege that the action was based in whole or in part on your marital status or political affiliation. In that event, you may appeal all allegations of discrimination to the MSPB.

You may also request reconsideration of this decision by written and/or personal presentation to the next higher administrative level which, in your case is _____. A request for reconsideration may be filed at any time after you receive this notice, but no later than fifteen (15) calendar days after the effective date of your termination.

If you have any questions concerning how to pursue an appeal, you may contact Employee Relations Specialist at [telephone].

A Standard Form 50², Notification of Personnel Action, affecting your termination will be forwarded to you when available.

Sincerely,

Supervisor

² Because an employee terminated during his/her probationary period does not have the right to appeal the merits of the action, his/her official record will not indicate the reason(s) for the termination. Instead, the SF-50 will simply state, "Discharge During Probationary Period."

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Attachments

- 1 - MSPB Regulations (5 CFR Part 1201)
- 2 - MSPB Form (OF 283, Rev 10/94)

[NOTE: On a copy of the letter the following type for the employee to sign:]

I acknowledge receiving this document.

Signature

Date

November 2001

EXAMPLES

Reasons for Probationary Termination Based on Conduct

Example 1 - You were abusive, disrespectful, and insubordinate to your supervisor in a meeting you had with her on April 2, 199__. In the meeting, you stood up and stated in a very loud and hostile manner that you did not want to talk to her. You walked away from her office despite repeated direct orders to stay. In addition, on 2 occasions (March 15, and April 3, 199__), you used abusive language and gestures in conversations you had with the secretary. After each of these instances, your supervisor told you that your behavior was inappropriate.

Example 2 - You have continually failed to follow supervisory instructions regarding the office leave procedures and, as a result, you have been placed on absence without leave (AWOL) on one occasion. You were notified on November 12, 199__ in writing by your supervisor of the office procedures that you were to follow for requesting sick leave and annual leave. On November 30 you failed to call your supervisor to request sick leave until 11:00 a.m. At that time, you were informed again that you must call your supervisor within one hour of the beginning of your tour-of-duty to request sick leave. On December 15 you again failed to follow instructions when you called your supervisor at 9:00 a.m. and requested to be placed on annual leave for the day. Your supervisor informed you again that annual leave must be approved at least (one week) in advance. On January 15 you called your supervisor at 10:00 a.m. and requested annual leave. On that day, you were placed on AWOL.

EXAMPLES

Reasons for Probationary Termination Based on Performance

Example 1 - You have failed to perform at an acceptable level in your critical result 1, Word Processing and Correspondence. There are typographical and/or grammatical errors in over 45 percent of the documents you have typed over the past 3 months. You have also failed to type correspondence in the proper format, even though you have received formal training in correspondence formats, and you have a copy of the correspondence manual that has been discussed with you by your supervisor on several occasions.

Example 2 - You have demonstrated a general failure to grasp and retain information that is necessary for the successful performance of your job. You have received on-the-job training in the preparation of project reports from your supervisor and the senior biologist, yet you consistently fail to produce a report that is acceptable. On the J.S. Barnum project report, you failed to include a description of topography, and your description of the river characteristics was inadequate. Your work on the Portland Manor report was disorganized and it contained 3 repetitive and simplistic statements. These reports had to be redone by other employees.

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